

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE  
2004 JUL 7 P 12:11

LEON ROBINSON,

Plaintiff,

v.

THOMAS MENINO, ET AL.,

Defendants.

U.S. DISTRICT COURT  
DISTRICT OF MASS.

CIVIL ACTION  
NO. 04-11023-RCL

**RESPONSE OF DEFENDANTS AMERICAN BROADCASTING COMPANIES, INC.,  
HEARST-ARGYLE STATION INC., AND WCVB TV (CHANNEL 5, BOSTON) TO  
MOTION TO STAY PROCEEDINGS FILED BY DEFENDANTS EVANS, WYSE,  
PRIMM, MARTEL, ROCK, MITCHELL AND HARDY**

Defendants American Broadcasting Companies, Inc., Hearst-Argyle Station Inc. and WCVB TV (Channel 5, Boston) (collectively, the "ABC Defendants") respectfully submit this response to the Motion to Stay Proceedings filed by defendants Evans, Wyse, Primm, Martel, Rock, Mitchell and Hardy.

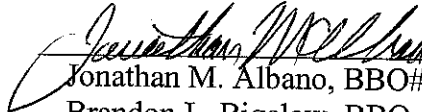
1. Defendants Evans, Wyse, Primm, Martel, Rock, Mitchell and Hardy (all present or former employees of the Boston Police Department) have moved for a stay of these proceedings until completion of the criminal charges pending against the plaintiff in state court. See generally *Guerro v. Mulhearn*, 498 F.2d 1249, 1255 (1st Cir. 1974).

2. Plaintiff's claims against the ABC Defendants arise out of the same search and seizure challenged in his claims against the moving parties.

3. The ABC Defendants have no objection to the issuance of a stay pending the outcome of plaintiff's criminal trial provided that the stay is of all claims asserted by the plaintiff herein and is without prejudice to the right of the ABC Defendants to assert all of their defenses (including the statute of limitations) upon the lifting of the stay.

American Broadcasting Companies, Inc. Hearst-Argyle Station Inc. and WCVB TV (Channel 5, Boston)

By their attorneys,

  
Jonathan M. Albano, BBO# 013850  
Brandon L. Bigelow, BBO # 651143  
BINGHAM McCUTCHEN LLP  
150 Federal Street  
Boston, MA 02110  
(617) 951-8000

***Of Counsel***

Henry S. Hoberman  
Senior Vice President  
Litigation & Employment Practices  
American Broadcasting Companies, Inc.  
77 West 66<sup>th</sup> Street  
New York, NY 10023-6298  
(212) 456-6371

Dated: July 6, 2004

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon the plaintiff Leon Robinson (A-225594), Old Colony Correctional Center, Bridgewater, MA 02324 and on counsel of record for the defendants by mail on July 6, 2004.

  
Jonathan M. Albano